



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,790	02/25/2002	Douglas Dillon	PD-201031	6225
29158	7590	01/24/2008		
BELL, BOYD & LLOYD LLP			EXAMINER	
P.O. BOX 1135			KOROBOV, VITALI A	
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			2155	
			MAIL DATE	DELIVERY MODE
			01/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/084,790

Applicant(s)

DILLON ET AL.

Examiner

Vitali Korobov

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-10,12,14,19,20,22-24,29-32 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,7-10,12,14,19,20,22-24,29-32 and 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 2155

RESPONSE TO AMENDMENT

1. This Office Action is in response to an amendment filed on 10/01/2007. Claims 1, 7, 9, 19, 23, 29 and 31 have been amended. Claims 1, 2, 7-10, 12, 14, 19, 20, 22-24, 29-32 and 35-41 are currently pending and have been examined in this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 7-10, 12, 14, 19, 20, 22-24, 29-32 and 35-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 9, 19, 23 and 31 recite a limitation, directed to a "browser application", which renders these claims indefinite. For the purposes of this Office Action the Examiner interpreted the term "browser application" as any application that supports browsing of data.

Corresponding dependent claims suffer from the same deficiency as the claims they depend from and therefore have been rejected under the same rationale.

Claim Rejections - 35 USC § 102

Art Unit: 2155

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7, 9, 10, 19, 20, 23, 24, 29 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent 6,389,462 to Cohen et al., hereinafter Cohen.

Referring to claim 1, Cohen teaches a method for providing a proxy service, the method comprising: receiving a message from a browser application, the message being identified as invoking the proxy service (Abstract and col. 8, lines 11-28 - redirection of HTTP requests to a proxy. In addition to support of HTTP, Cohen specifically teaches client browser support in col. 2, lines 39-44); and selectively forwarding the message by a transport layer switching mechanism to a proxy agent configured to provide the proxy service (Col. 2, lines 66-67 and col. 3, lines 1-7 - selective forwarding of browser requests (requests that are directed to port 80) by a Layer 4, or the Transport Layer of the OSI Network Model), the transport layer switching mechanism residing in a host that is loaded with the browser application (Fig. 1 and Col. 6, lines 23-31. In 7:49:53, Cohen refers to a co-pending application No. 09/190,355, which since then has been issued as a U. S. Patent No. 6,434,618 (hereinafter Cohen

Art Unit: 2155

II), and is incorporated into Cohen by reference. In 12:34-38, Cohen II states that the programmable network element, performing the functionality of proxy redirector, may be incorporated as software on a client), wherein the forwarding of the message is transparent to the application (Col. 16, lines 34-42 – forwarding of the message is transparent to the client and his browser application).

Referring to claim 2, Cohen teaches a method according to claim 1, wherein the proxy agent in the forwarding step includes at least one of a Hypertext Transfer Protocol (HTTP) proxy and a Domain Name Server (DNS) proxy (Col. 4, lines 7-10. Proxy that performs DNS look-ups is a DNS proxy. Even though this is sufficient for rejection of claim 2, the Examiner would like to point out that Cohen also teaches an HTTP proxy at least in col. 8, lines 11-28).

Referring to claim 7, Cohen teaches a method according to claim 1, wherein the proxy agent resides in at least one of a host loaded with the browser application, a satellite modem, and a network element configured to perform routing of the message (Fig. 1 and Col. 6, lines 28-31, and 12:34-38 of Cohen II).

Referring to claim 36, Cohen teaches a method according to claim 1, wherein the transport layer switching mechanism is configured to operate according to Layer 4 of Open System Interconnection (OSI) model (Col. 2, lines 66-67 and col. 3, lines 1-7 - Layer 4 switch).

Claims 9 and 10 do not teach or define any new limitations above those in claims 1, 2 and 7, and set forth the invention as an apparatus rather than a method, as do

Art Unit: 2155

claims 1, 2, and 7. Therefore, claims 9 and 10 are rejected under the same rationale as the above rejected claims 1, 2 and 7.

Claims 19 and 20 do not teach or define any new limitations above those in claims 1, 2 and 7, and set forth the invention as a device rather than a method, as do claims 1, 2 and 7. Therefore, claims 19 and 20 are rejected under the same rationale as the above rejected claims 1, 2 and 7.

Claims 23, 24 and 29 do not teach or define any new limitations above those in claims 1, 2 and 7, and set forth the invention as a computer-readable medium rather than a method, as do claims 1, 2 and 7. Therefore, claims 23, 24 and 29 are rejected under the same rationale as the above rejected claims 1, 2 and 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 12, 14, 22, 30-32, 37, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of the U. S. Patent No. 6,654,344 B1, issued to Toporek et al., hereinafter Toporek.

Art Unit: 2155

Referring to claim 8, modified Cohen teaches a method according to claim 1.

Cohen does not explicitly teach said method wherein the message is transmitted over a wide area network (WAN) that includes a two-way satellite network.

However, Toporek, in analogous art related to message transmission, teaches a method wherein the message is transmitted over a wide area network (WAN) that includes a two-way satellite network (Fig. 1, satellite 101).

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to incorporate the teachings of Toporek message transmission over a satellite link into the teachings of Cohen in order to provide a more efficient way of managing the transmission of information for Internet services over large geographical regions (Toporek, 2:60-64). Modified in this manner Cohen is further referred to as modified Cohen.

Claims 12 and 14 do not teach or define any new limitations above those in claim 8, and set forth the invention as an apparatus rather than a method, as does claim 8. Therefore, claims 12 and 14 are rejected under the same rationale as the above rejected claim 8.

Claim 18 does not teach or define any new limitations above those in claim 8 and sets forth the invention as a system rather than a method, as does claim 8. Therefore, claim 18 is rejected under the same rationale as the above rejected claim 8.

Art Unit: 2155

Claim 22 does not teach or define any new limitations above those in claim 8, and sets forth the invention as a device rather than a method, as does claim 8. Therefore, claim 22 is rejected under the same rationale as the above rejected claim 8.

Claim 30 does not teach or define any new limitations above those in claim 8, and sets forth the invention as a computer-readable medium rather than a method, as does claim 8. Therefore, claim 30 is rejected under the same rationale as the above rejected claim 8.

Claims 31 and 32 do not teach or define any new limitations above those in claims 1, 2 and 7, and set forth the invention as a network apparatus rather than a method, as do claims 1, 2 and 7. Therefore, claims 31 and 32 are rejected under the same rationale as the above rejected claims 1, 2 and 7.

Claim 35 does not teach or define any new limitations above those in claim 8, and sets forth the invention as a network apparatus rather than a method, as does claim 8. Therefore, claim 35 is rejected under the same rationale as the above rejected claim 8.

Claims 37 and 39-41 do not teach or define any new limitations above those in claim 36, and set forth the invention as an apparatus, a device, a computer-readable medium and a network apparatus, respectively, rather than a method, as does claim 36. Therefore, claims 37 and 39-41 are rejected under the same rationale as the above rejected claim 36.

5. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the

Art Unit: 2155

applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

6. Applicant's arguments filed 10/01/2007 have been fully considered, however, the Applicant's arguments related to claims 1, 4, 9, 19 and 23 are not persuasive.

The Applicant argues: "To better distinguish the claimed invention, Applicants have amended independent claims 1, 9, 19, and 23 to recite receiving "a message from a browser application, the message being identified as invoking the proxy service" and "the transport layer switching mechanism residing in a host that is loaded with the browser application."

Clearly, a "browser application" is different from "a gateway application." Therefore, *Cohen et al.* cannot teach the claimed host. The secondary reference of Toporek et al., which is applied for a supposed teaching of transmission over a WAN that includes a two-way satellite network, does not fill in gaps of *Cohen et al.*"

The Examiner agrees with the Applicant that the gateway application is different from a browser application. However, this point is moot, since the browser application does not have to be the same as a gateway application, only to reside on the same host as a browser application, as suggested by 12:34-38 of Cohen II, in order to read on the

Art Unit: 2155

cited claims. Accordingly, the Examiner respectfully submits that Cohen discloses "the transport layer switching mechanism residing in a host that is loaded with the browser application".

Therefore, the Office respectfully maintains the rejection of all pending claims and makes the rejection final.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

Art Unit: 2155

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

VAK
01/10/2008



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER